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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/817,837
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	First Named Inventor	Engstrom
	Art Unit	3629
	Examiner Name	Smith, Traci L.
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Attorney Reference: 112076-138339
IPN: P019

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

G. Eric Engstrom

Application No.: 09/817,837

Filed: March 26, 2001

For: Method and Apparatus for
Generating Electronic Personas

Examiner: Smith, Traci L.

Art Unit: 3629

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REPLY TO EXAMINER'S ANSWER

Dear Sir:

Appellant respectfully replies to the Examiner's Answer as follows:

(A) The Examiner has mischaracterized the teachings of Jenkins. The Examiner's Answer states that Jenkins teaches a method, system and apparatus for:

(1) requesting information of personality characteristics (col. 4, lines 54-57);

(2) generating a profile based on received personality information (col. 4, lines 61-63; and col. 5, lines 22-24); and

(3) transmitting a profile in response to request (col. 5, lines 22-24 and 37-40).

In particular, with respect to element 1 from above, the description at column 4, lines 54-57 refers to a data mining process whereby data repositories are mined to acquire and store disparate consumer data sets in a composite form. As recited in Appellant's claims, for example claim 45, a device receives a request for registration information for a user of the device. Jenkins does not teach such a request, does not teach that the request seeks registration information, and further does not teach that the registration information is for a user of the device. Rather, Jenkins teaches data mining to create composite data records for marketing purposes.

With respect to element 2 from above, the description at column 4, lines 61-63 and column 5, lines 22-24 refers respectively to the creation of individual records from the mined data and the creation of marketing profiles from the data after having been stripped of identifying information. Jenkins does not however teach the generation of a personality profile that portrays a desired persona. Rather, Jenkins teaches mining data from various data repositories and sorting it into individual records for subsequent creation of class profiles for use by marketers. A marketer may create a marketing profile which is a class profile to obtain a list of individual contacts with certain characteristics to which the marketers intend to market. The "generating" operation of claim 1 is quite different, in that a personality profile is created in response to a request for registration information of a user. As claimed, the personality profile is created to portray a desired persona, as opposed to a class marketing profile for targeted marketing as described by Jenkins.

With respect to element 3 from above, the description at column 5, lines 22-24 and 37-40 refers to the creation of a marketing profile and the subsequent use of that profile to target the identified class. Claim 1, however, recites the transmission of a personality profile back to the initial requesting server, the requesting server having initially requested registration information for a user.

(B) In the Examiner's answer, the Examiner indicates that "any information regarding the user is considered registration information", and concludes that the marketer requesting information teaches the "receiving" operation of the claims. While Appellant acknowledges that information is exchanged in Jenkins, the information is not registration information for a user of the device being requested by a server for that user. Jenkins methods are not directed to users of a device, and are further not directed to registration information for users of a device.

(C) The Examiner also argues that the "generating" operation of the claims is taught by Jenkins in that Jenkins teaches creating marketing profiles. However, such a description clearly does not teach generating a personality profile to portray a desired persona. Furthermore, the claims recite the generation of the profile by the same device that receives the request for registration information. On the other hand, in Jenkins, the requesting party creates the marketing profile. Thus, not only are the profiles different in form and function, but the "generating" party in Jenkins is different from that which is claimed.

(D) With respect to the Examiner's assertion that the registration concepts of the claims are merely an intended use, Appellant disagrees. In particular, the claims recite a request for registration information for a user of a device. Such a feature clarifies a feature of the claim and highlights the user relationship, as compared to the class description of Jenkins.

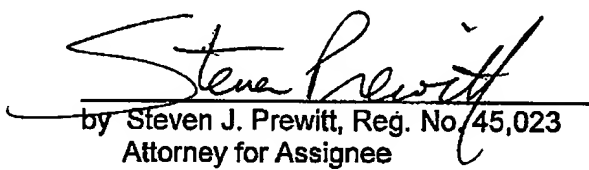
Conclusion

As Appellant has set forth in the Brief and in the present Reply, the Examiner has erred in her rejections, and respectfully requests the Board to reverse the Examiner's rejections.

Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,
Schwabe, Williamson & Wyatt, P.C.

Date: November 23, 2005


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